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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,249	03/24/2005	Christophe Genevois	740612-189	8701

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EXAMINER	
KIM, EDWARD J	

ART UNIT	PAPER NUMBER
2455	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,249	GENEVOIS, CHRISTOPHE	
	Examiner	Art Unit	
	EDWARD J. KIM	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8 and 10* is/are pending in the application.

4a) Of the above claim(s) *6,7,9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on 12/12/2008.

2. Claims 1-5, 8, and 10 are pending in this Office Action. Claims 1 and 8 have been amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabne et al. hereinafter Rabne (US Patent #6,006,332 filed on 10/21/1997).

Rabne teaches the invention as claimed including a Rights Management (RM) system for digital media.

Regarding claim 1, Rabne teaches, a method of operating a conditional access network wherein providers distribute valuable contents over the network and end-users are allowed to access such valuable contents in function of individual access rights, wherein valuable contents are made available to the end-users by way of a plurality of different conditional access systems (Rabne, Abstract. Rabne teaches that when the software available is not able to fulfill the requirement the launch pad searches and requests an appropriate RM browser, which has to be authenticated before use, to handle the data. According to the invention taught by Rabne,

different browsers/systems are obtained for handling the data.), the method comprising the steps of:

configuring a generic conditional access component having a basic functionality common to all conditional access systems and a plurality of particular conditional access systems, said plurality of particular conditional access systems being preloaded but initially disabled (Rabne, Abstract, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. Rabne teaches that when the software available is not able to fulfill the requirement the launch pad searches and requests an appropriate RM browser, which has to be authenticated before use, to handle the data. According to the invention taught by Rabne, different browsers/systems are obtained for handling the data. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use via license verification, therefore it is initially disabled for use.);

providing the generic conditional access component to an end-user (Rabne, col.3 ln.54-59, col.6 ln.61 - col.7 ln.4, col.7 ln.1-5. The launch pad program taught by Rabne is considered to be a generic conditional access component as it resides on the client, having a basic functionality for access to all other RM browsers/conditional access systems.);

identifying a particular preloaded conditional access system to be used by the conditional access component (Rabne, Abstract, col.6 ln.61-66, col.7:1-14, col.10 ln.34-36, col.10 ln.64-67. An appropriate RM browser (conditional access system) is downloaded to the end-user on the launch pad program (conditional access component) for handling the data.);

acquiring by the end-user of a license related to the identified particular preloaded conditional access system; loading said license into the conditional access component; and

enabling the particular preloaded conditional access system after successful verification of the license (Rabne, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.).

Regarding claim 8, Rabne teaches, a conditional access component for use in a conditional access network wherein a provider distributes valuable contents over the network and end-users are allowed to access such valuable contents in function of individual access rights defined by a user license (Rabne, Abstract, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. Rabne teaches that the invention is used for text, audio and video data transmission, where the launch pad searches and requests an appropriate RM browser to handle the data. Prior to the use of the RM browser, it has to be authenticated. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.), wherein said component comprises a first software module embedding a basic functionality common to a plurality of different conditional access systems used in the network, a plurality of specific application software, each constituting a particular conditional access system in conjunction with the basic functionality (Rabne, col.3 ln.54-59, col.6 ln.61 - col.7 ln.4, col.7 ln.1-5. The launch pad program taught by Rabne is considered to be a generic conditional access component as it resides on the client, having a basic functionality for access to all other RM browsers/conditional access systems.), a non-volatile memory for storing said plurality of preloaded specific application software, said particular conditional access systems being initially disabled in the non-volatile memory, means for acquiring a license for the particular preloaded conditional access system, and means for selectively enabling the particular preloaded

conditional access system subject to a successful verification of the corresponding license (Rabne, col.7 ln.9-14, col.8 ln.34-38, col.10 ln.56, col.11 ln.2-4. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabne, in view of Kamperman et al. hereinafter Kamperman ("Conditional access system interoperability through soft downloading").

Regarding claim 2, Rabne disclosed the limitations, as described in claim 1, however fails to teach the use of digital transport stream that contains Entitlement Management Messages (EMMs).

Kamperman discloses an interoperable conditional access system through software downloading, including the use of EMMs. Kamperman discloses a method, wherein valuable contents are distributed in a digital transport stream that contains Entitlement Management Messages "EMMs" specific to each conditional access system (Kamperman, p.48 Section 2: 1st paragraph. Kamperman discloses a method of operating a conditional access system for Digital

Pay-TV and the use of EMMs for authorizing the use of key for every separate program and for every separate user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include the EMMs as taught by Kamperman. One would be motivated to do so to prevent users from acquiring unauthorized access to Satellite or Cable TV Broadcasts.

Regarding claim 3, Rabne teaches the limitations, as described in claim 2, and further discloses the method of claim 2, however, fails to disclose a filter unit for filtering out EMMs.

Kamperman discloses a method wherein each conditional access component includes a filter unit for filtering out the specific EMMs of conditional access systems (Kamperman, p.47 Right Column: 2nd paragraph, p.49 Left Column: 3rd paragraph, Fig.2 ("ECM, EMM Section Filter" component). According to Kamperman, EMMs are filtered out of the data stream.) enabled on the component and a verifier unit for the verification of access rights defined by the filtered specific EMMs (Kamperman et al. p.48 Right Column: 2nd paragraph. Kamperman discloses that the filtered out EMMs are used for authorizing the use of a key for every separate conditional access system, for determining the access rights of the user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include a filter unit as taught by Kamperman. One would be motivated to do so to filter out the EMMs accordingly from the data stream and conduct verification for determining the access rights of the user.

Regarding claim 4, Rabne disclosed the limitations, as described in claim 3, and further discloses, a method wherein the valuable contents in the transport stream are scrambled, each

conditional access component has a descrambler adapted to process a scrambled transport stream into a clear transport stream, and the descrambler is enabled or disabled in function of a successful or unsuccessful verification, respectively, of the access rights (Rabne, col.6 ln.31-45, col.7 ln.9-19, col.11 ln.55-61, col.22 ln.28-51. Rabne discloses that the valuable contents are encrypted and decrypted only by the verified authorized receivers. According to the disclosure by Rabne, the downloaded RM browser is disabled and needs to be authenticated prior to use through license verification.).

Regarding claim 5, Rabne disclosed the limitations, as described in claims 1 to 4, and further discloses, a method wherein each conditional access system has an associated application for execution by the conditional access component (Rabne, col.3 ln.56-59, col.6 ln.66 – col.7 ln.4, coll.10 ln.52-53. Appropriate applications, such as RM browsers, are downloaded for each conditional access system.).

Regarding claim 10, Rabne disclosed the limitations as described in claim 8, however, fails to disclose the use of EMMs.

Kamperman discloses a conditional access component wherein the valuable contents are distributed in a digital transport stream that contains Entitlement Management Messages "EMMs" specific to each conditional access system (Kamperman, p.48 Section 2: 1st paragraph. Kamperman discloses a method of operating a conditional access system for Digital Pay-TV and the use of EMMs for authorizing the use of key for every separate program and for every separate user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include the EMMs as taught by

Kamperman. One would be motivated to do so to prevent users from acquiring unauthorized access to Satellite or Cable TV Broadcasts.),

Rabne also fails to disclose a filter unit for filtering out EMMs.

Kamperman discloses a system wherein comprising a filter unit for filtering out specific EMMs of conditional access systems enabled on the component (Kamperman, p.47 Right Column: 2nd paragraph, p.49 Left Column: 3rd paragraph, Fig.2 ("ECM, EMM Section Filter" component). According to Kamperman, EMMs are filtered out of the data stream.) and a verifier unit for the verification of access rights defined by the filtered specific EMMs (Kamperman et al. p.48 Right Column: 2nd paragraph. Kamperman discloses that the filtered out EMMs are used for authorizing the use of a key for every separate conditional access system, to verify the access rights of the user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rabne to include a filter unit as taught by Kamperman. One would be motivated to do so to filter out the EMMs accordingly from the data stream and conduct verification for determining the access rights of the user.

Response to Arguments

7. Applicant's arguments filed on 12/12/2008 have been fully considered but they are not persuasive.

The Applicant argues,

> "Specifically Rabne et al fails to disclose a preloaded conditional access component that contains initially all variations of the future functionalities, wherein the preloaded systems are disabled until a purchase action, such as acquiring a license, is performed and wherein means are provided for selectively enabling at least one of the preloaded systems

> subject to successful verification of the license." (refer to pg.6 of the Amendment filed on 12/12/2008)

After further consideration and careful examination of the disclosure of the Applicant, the Examiner respectfully disagrees.

The Applicant explains with the amendment that "initially all variations of the future functionalities" are preloaded with the apparatus in the invention disclosed. However, careful examination of the disclosure in the specification provided by the Applicant shows otherwise.

> For example, refer to pg.6-9 where the steps carried out by the system are disclosed in detail:
> - Three steps must be passed to get a CAA "pending" read to be activated inside the SMC: CAA identification, CAA configuration and CAA acquisition - pg.6, 2nd paragraph, "CAA Acquisition".
> - 3. The SMC *checks the presence of the corresponding CAA inside i*t - pg.7, "CAS identification".
> - 5. *If the considered CAA is not present or in an older version*, then the CAS identification is complete. At the end of the CAS identification, the SMC knows CA_ID and may have CAA - pg.7, "CAS identification"
> - At the end of the CAA configuration, the SMC knows CA_ID and *how and where it can get the latest version of the CAA* – pg.8, above "CAA acquisition"
> - 1. The CAA can be already present in the SMC, whether because the system was sold with this CAA inside, or because this CAA was already *acquired (pre-stored) in the system in a previous session*. – pg.8, "CAA acquisition"
> - 2. The script contained in the Service channel can be *ran in order to download the CAA over the air*, setting the tuner… - pg.8, "CAA acquisition"

As is evident from the disclosure by the Applicant, the invention does not initially have all variations of the future functionalities preloaded. When the system/application is not present or needs to be updates, it does so via downloading from another resource. As explained in the rejection, Rabne teaches that when the software available is not able to fulfill the requirement the launch pad searches and requests an appropriate RM browser, which has to be authenticated before use, to handle the data. According to the invention taught by Rabne, different browsers/systems are obtained for handling the data.

Furthermore, the term "preloaded" refers closest to the term "pre-stored" in the disclosure cited above, where it is disclosed that the CAA was *acquired in a previous session*, which is disclosed by Rabne as explained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD J. KIM whose telephone number is (571)270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2455

/saleh najjar/
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